

IN RE: PETITION FOR ZONING VARIANCE  
SEC York Road & Towson Towne  
Boulevard  
208 York Road  
9th Election District  
4th Councilmanic District  
Oliver S. Travers, et ux, Contract Purchasers  
Baltimore County, Maryland  
Legal Owners  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 22 parking spaces in lieu of the required 64, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Oliver and Mary Jean Travers, appeared and testified and were represented by David E. Belcher, Esquire. Appearing on behalf of the Petition were Kelly Groff, Baltimore County Office of Promotion and Tourism, Sara J. Blevins and Dennis F. Maloney of Baltimore County Bureau of Land Acquisition and Adam Wasserman of Baltimore County Department of Economic Development. Also appearing on behalf of the Petition were Stephen M. Judge and Thomas S. Travers. There were no Protestants.

Testimony indicated that Baltimore County has leased the subject premises to the Wilson Electric Company (owned by the Petitioners) for the past 2-1/2 years. Pursuant to said lease, Petitioners have an option to purchase the subject property which they intend to exercise. Testimony indicated that they share the available parking spaces with the Office of Promotion and Tourism for Baltimore County which is located to the east of the subject site along Towson Towne Boulevard.

The Petitioners testified that the existing 22 parking spaces are

more than adequate to service their facility and provide parking space for the infrequent visitors to the Office of Tourism.

Proffered testimony indicated that the peak hours of operation for the Wilson Electric Company are on Saturdays during which time the Office of Tourism is closed. Additionally, testimony indicated that there would be no adverse impact on any residential community, should the relief be granted, as there are no adjoining neighborhoods into which overflow parking would have convenient access.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result

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if the variance was not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of June, 1990 that the Petition for a Zoning Variance from Section 409.6 of the B.C.Z.R. to permit 22 parking spaces in lieu of the required 64, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/mmm  
cc: Peoples Counsel

-3-

Baltimore County  
Zoning Commissioner  
Towson, Maryland 21204

November 16, 1990

David E. Belcher, Esquire  
401 Washington Avenue  
P.O. Box 6705  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Case No. 91-74-A  
Oliver S. Travers, et ux, Contract Purchasers  
Baltimore County, Md., Legal Owner

Dear Mr. Belcher:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
encl.  
cc: Peoples Counsel  
cc: Mr. and Mrs. Oliver S. Travers

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-74-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6 of the Baltimore County Zoning Regulations to permit 22 parking spaces in lieu of the required 64.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

22 parking spaces instead of the required 64.  
TO BE ESTABLISHED AT HEARING - HARDSHIP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

Oliver S. Travers

Signature: *Oliver S. Travers*

Contract Purchaser:

Mary Jean Travers

Signature: *Mary Jean Travers*

208 York Road

Towson, MD 21204

City and State

Attorney for Petitioner:

David E. Belcher, Esquire

(Type or Print Name) Address: 401 Washington Avenue

City and State: P.O. Box 6705

Towson, MD 21204

City and State

Attorney's Telephone No.: 296-4400

Address: 401 Washington Avenue

City and State: P.O. Box 6705

Towson, MD 21204

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Address: 401 Washington Avenue

City and State: P.O. Box 6705

Towson, MD 21204

City and State

METES AND BOUNDS DESCRIPTION  
OF 0.258 ACRES, PROPERTY TO BE RELEASED

Beginning for the same at a point located on the west side of a 15 foot alley at a distance of 87.66 feet measured N 11° 46' 30" E along the west side of said alley from a pipe found marking the intersection of the north side of Willow Ave., 40 feet wide, and the west side of said 15 foot wide alley, thence running and binding on the west side of said 15 wide alley (1) N 11° 46' 30" E 85.00 feet to a point, thence leaving said alley and running (2) N 85° 49' 53" W 123.46 feet to intersect the southeast right of way cut-off line of Towson Town Blvd. and York Rd., thence binding on said cut off-line (3) S 55° 19' 10" W 26.69 feet to a point, said point being 7.31 feet from the end of said cut-off line, thence running parallel to and 5 feet east, measured at right angles to the easternmost right of way line of York Road, 66 feet wide, (4) S 12° 09' 39" W 59.92 feet to a point, thence (5) S 82° 31' 23" E 141.56 feet to the place of beginning.

Containing 11,243 square feet or 0.258 acres of land, more or less.



*Robert M. West*  
Robert M. West  
Registered Property Line Surveyor #108

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Account No. 1-001-070-7301-0412\*\*  
Bureau of Land Acquisition  
111 W. Chesapeake Avenue - R.S.#1303  
Towson, Maryland 21204

Re: Your File: SP 9-157  
Petition for Zoning Variance  
CASE NUMBER: 91-74-A  
SEC York Road and Towson Towne Boulevard  
208 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Baltimore County, Maryland  
Contract Purchaser(s): Oliver S. Travers, et ux  
HEARING: FRIDAY, OCTOBER 19, 1990 at 9:30 a.m.

Gentlemen:

Please be advised that \$\*\* is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

\*\* Advertising forwarded to Central Services using your account number. As such, costs be assessed directly against your budget. No bill will be forthcoming from this office.

JRH:gs

INVOICE IN DUPLICATE TO OFFICE OF CENTRAL SERVICES. VENDOR SEP. DATE INVOICE FOR EACH ORDER AND EACH SHIPMENT. YOUR FEDERAL ID. MUST APPEAR ON YOUR INVOICE.		PURCHASE ORDER BALTIMORE COUNTY, MARYLAND PURCHASING BUREAU OFFICE OF CENTRAL SERVICES SUITE 412, COURTS BUILDING 401 BOSLEY AVENUE • TOWSON, MARYLAND 21204-4486		PURCHASE ORDER NO. 416764	
VENDOR NO. 737164		DATE 06/24/90		SHIP TO THE ZONING OFFICE ROOM 113 COUNTY OFFICE BUILD. 111 W. CHESAPEAKE AVE. TOWSON, MD 21204	
ISSUED TO PATUNENT PUBLISHING CORP. 409 WASHINGTON AVE. TOWSON MD 21204		TERMS NET		F.O.B.	
ITEM NO.	COMMODITY NUMBER AND DESCRIPTION	QUANTITY	U/M	UNIT PRICE	EXTENDED PRICE
1	EQ2C-09-000-0280 RLQ:AC000 TO ADVERTISE: CASE NO. 91-74-A 0831000 22AD OWNER(S): BALTIMORE COUNTY, MARYLAND CONTRACT PURCHASER(S): OLIVER S. TRAVERS, ET UX HEARING: FRI, OCTO 19, 1990 AT 9:30 A.M.. ISSUES: 6/19/90 AND 9/26/90 NOTE: PLEASE FURNISH ORIGINAL AND ONE COPY OF CERTIFICATION OF PUBLICATION TO GIVEN STAFFERS, ZONING OFFICE ROOM 113 COUNTY OFFICE BLDG. 111 WEST CHESAPEAKE AVE., TOWSON, MD. 21204	1	EA	.000	.00
Order subject to cancellation if not delivered within time specified.					
YEAR	FUND AGENCY PROJ. ORJ. L.I.E.C.	AMOUNT	OUR PURCHASE ORDER NO. ITEM NO. AND COMMODITY NO. MUST APPEAR ON ALL PACKAGES. SHIPPING PAPERS AND INVOICES PURCHASES HEREON ARE EXEMPT FROM MARYLAND SALES AND USE TAX. CERTIFICATE NO. 3000110.		
91	001 070 7301 0412 00	.00	10241		
DO NOT DUPLICATE THIS CONFIRMING ORDER TO		DATE 06/22/90	THIS ORDER IS SUBJECT TO THE CONDITIONS AND SPECIAL INSTRUCTIONS ON THE REVERSE SIDE HEREOF INCLUDING HOLD HARMLESS CLAUSE.		
		AUTHORIZED SIGNATURE			



NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
Case number: 91-74-A  
SEC York Road and Towson Towne Boulevard  
208 York Road  
9th Election District  
4th Councilmanic District  
Legal Owner(s):  
Baltimore County  
Contract Purchaser(s):  
Oliver S. Travers, et ux  
Hearing Date: Friday  
Oct. 19, 1990 at 9:30 a.m.

Variance to permit 22 parking spaces in lieu of the required 64. In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TJ/9/198 Sept. 20

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-25-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 9-19-1990

THE JEFFERSONIAN,

Publisher

\$ 102.41

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-25-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 9-19-1990

TOWSON TIMES,

Publisher

\$ 102.41

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 208 Date of Posting: 9/19/90  
Posted for: Oliver S. Travers, et ux  
Petitioner: Oliver S. Travers, et ux  
Location of property: 208 York Road, Towson, Maryland 21204  
Location of Signs: 208 York Road, Towson, Maryland 21204  
Remarks: None  
Posted by: Oliver S. Travers, et ux Date of return: 9/19/90  
Number of Signs: 1



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt  
No 3228

Date: 9/20/90 H9100071  
PUBLIC HEARING FEES QTY PRICE  
020 -ZONING VARIANCE (OTHER) 1 X \$4.00  
TOTAL: \$4.00  
LAST NAME OF OWNER: BALTIMORE COUNTY,

Please make checks payable to: Baltimore County

Cashier Validation:

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
SW Corner York Rd. and : OF BALTIMORE COUNTY  
Towsontowne Blvd. (208 York Rd.):  
9th Election District  
4th Councilmanic District  
BALTIMORE COUNTY, MARYLAND, : Case No. 91-74-A  
Petitioner :  
: : : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 4th day of October, 1990, a copy of the foregoing Entry of Appearance was mailed to Shirley M. Murphy, Chief, Bureau of Land Acquisition, County Office Bldg., Towson, MD 21204; and David E. Belcher, Esquire, 401 Washington Ave., P.O. Box 6705, Towson, MD 21204, Attorney for Contract Purchaser.

Peter Max Zimmerman  
Peter Max Zimmerman

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 91-74-A  
SEC York Road and Towsontowne Boulevard  
208 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Baltimore County, Maryland  
Contract Purchaser(s): Oliver S. Travers, et ux  
HEARING: FRIDAY, OCTOBER 19, 1990 at 9:30 a.m.

Variance to permit 22 parking spaces in lieu of the required 64.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Shirley/Murphy Land Acquisition (SP 9-157)  
Oliver S. Travers, et ux  
David E. Belcher, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

October 12, 1990



Dennis F. Rasmussen  
County Executive

David E. Belcher, Esquire  
401 Washington Avenue  
P.O. Box 6705  
Towson, MD 21204

RE: Item No. 71, Case No. 91-74-A  
Petitioner: Baltimore County, Maryland  
Petition for Zoning Variance

Dear Mr. Belcher:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Oliver S. Travers  
208 York Road  
Towson, MD 21204

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 5th day of September, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Baltimore County, Maryland  
Petitioner's Attorney: David E. Belcher

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 1, 1990  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Wilson Electric Company, Item No. 71

This request is for a Variance from Section 409.6 of the Baltimore County Zoning Regulations (BCZR) to permit 22 parking spaces in lieu of the required 64 parking spaces. This site was the former location of the Bykota House. Baltimore County has leased the premises to Wilson Electric for approximately 2-1/2 years. Parking for the existing retail use, not provided in accordance with the BCZR; 55 parking spaces where required while only 22 are provided. There appears to be some belief by the Bureau of Land Acquisition that parking was "non-conforming."

The proposed 2-story 28'x29' addition on the rear of the building further increases parking requirements. Instead of the Variance, lease agreement with the Baltimore County Revenue Authority to provide the additional 42 spaces is preferable. Parking is available in a new garage which is under construction on the north side of Towsontowne Boulevard in conjunction with the Library expansion and District Court building.

The Towson Plan Update, currently under consideration by the Baltimore County Planning Board, contains a pedestrian system master plan and streetscape design standards which should be incorporated within the plan. Sidewalks appear to be adequate on both streets; however, a landscape plan should be submitted to the Deputy Director of the Office of Planning and Zoning showing landscape treatment existing and proposed along York Road and Towsontowne Boulevard. A minimum of two street trees are needed along the York Road; some additional planting to be determined at the time of landscape plan submittal are needed along Towsontowne Boulevard.

The existing free-standing sign is within the Baltimore County right-of-way. It does not appear to block visibility for motorists or pedestrians. An easement for the sign would be acceptable to this office.

RECEIVED  
10/4/90

Wilson Electric Company, Item 71  
Page 2  
October 1, 1990

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM71/ZAC1



A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- (X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- (X) PARKING LOCATION ( ) RAMPS (degree slope)
- (X) NUMBER PARKING SPACES ( ) CURB CUTS
- (X) BUILDING ACCESS (X) SIGNAGE
- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).
- ( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY CONCIL BILL #158-88.

We are forwarding herewith <sup>14</sup> copies of the plat requesting parking variance together with 3 copies of the Petition for Parking Variance, and 3 copies of the description of the property.

The variance advertising and posting is to be charged to Account Number ~~8~~<sup>1</sup>-001-070-7301-0412.

It will be appreciated if this request is expedited at your earliest possible convenience.

SMM:DMM:SJB:em  
Enclosures

DEFENDANT'S  
EXHIBIT 21

S. Travers  
**PETITIONER'S**  
**EXHIBIT** 28

Bull County Provision; Farm  
12. Twisted Bird.  
107 Madison Co. 2000  
664 Bulldogs Co. 2000  
Lead Acquisition  
and acquisition  
into one  
from 1984-1985

**PETITIONER'S  
EXHIBIT** 34

As also required by the Travers, the Lease contains an option to purchase the property with a purchase price of \$497,100, less a credit not to exceed \$160,000 for the cost of renovating the property.

This agreement may be amended, but only in writing, signed and executed with all the formalities and signatures with which this agreement is signed and executed.

**PETITIONER'S  
EXHIBIT** 3A



#### ACCESS AND INSPECTION

Lessor or its designated agent shall have the right to enter upon the leased premises at all reasonable times for the purpose of inspecting the same and for the purpose of making any required repairs to any part of the building structure, utility lines, or other repairs.

#### EMINENT DOMAIN

If the entire demised premises are taken or condemned for a public or quasi-public use under the power of eminent domain, or if such part of the premises is so taken or condemned so that the part not so taken or condemned is not adequate and suitable for Lessee's then existing operations, this lease agreement shall terminate and neither party shall have any further liability to the other. However, if a portion of the demised premises are taken or condemned for public or quasi-public use under the power of eminent domain, to the extent that Lessee is still able to continue its operations under this lease, then this lease shall not terminate but shall remain in full force and effect; however, the rent payable hereunder shall be reduced in proportion to the amount by which the area of the building on the premises is reduced.

#### BALTIMORE COUNTY CODE

Lessor hereby expressly reserves the right and duty at all times, to exercise full governmental control and regulations with respect to all matters connected with the lease agreement.

#### ADVERTISING

And it is further agreed, that the term of this lease shall not commence and this agreement shall be null and void unless this agreement shall have been first advertised for three (3) successive weeks in a newspaper of the general circulation in Baltimore County providing for a period in which to submit objections in accordance with Section 2-1 (d) of the Baltimore County Code. Further, the term of this lease shall not commence and this agreement shall be null and void if objections are filed and it is determined by the Baltimore County Council that the objections should be sustained. Also, the Lessee further agrees to pay for advertising of this lease as hereinabove conditioned. It is further covenanted and agreed that this agreement is subject to approval and execution by the Baltimore County Executive or his authorized representative.

#### INSURANCE

The Lessee shall carry Owner/Landlord/Tenant (OIT) type liability insurance in the amounts of \$500,000.00/\$1,000,000.00 and shall furnish certificates of this insurance to the Lessor.

**PETITIONER'S  
EXHIBIT 3c**

#### NOTICES

All notices required hereunder to the Lessor shall be sent to:  
Baltimore County Department of Public Works  
Bureau of Land Acquisition  
Attn: Mr. L. T. Counts, Property Manager  
111 West Chesapeake Avenue  
Towson, MD 21204

All notices required hereunder to the Lessee shall be sent to:

Ward Development Company  
Attn: Mr. James J. Ward  
540 E. Belvedere Avenue  
Baltimore, MD 21212

#### SUBLEASE OR ASSIGNMENT

Except with prior written consent of Baltimore County, Lessee shall neither transfer nor assign this agreement or any of its rights hereunder, nor sublet the premises or any part thereof or any property thereon, nor grant any interest, privileges or license whatsoever in connection with this agreement, other than to Wilson Electric Company.

#### RENEWAL OPTION

Lessee has an option to renew this lease one (1) time for a period of three (3) years.

#### PARKING EGRESS AND INGRESS

Lessor agrees to provide adequate parking and ingress and egress from Susquehanna Avenue to the property. Said designated parking, ingress and egress, shall be based on the engineering studies by Baltimore County and will be in the sole discretion of Baltimore County as to the number and location of the parking spaces, the width and location of the driveway entrance into Susquehanna Avenue and the width, length, and location of the aforesaid area of ingress and egress. At the time the aforesaid engineering studies are completed, a determination shall be made by Lessor at Lessor's sole discretion as to whether the aforesaid right of way shall be granted in fee simple or an easement granted for said purpose.

#### OPTION TO PURCHASE

Lessor offers to sell and convey to Lessee and hereby grants to Lessee the exclusive and irrevocable option to purchase the leased premises, together with the improvements thereon and all the rights, alleys, ways, privileges, and appurtenances belonging or in anywise appertaining thereto, at the appraised fair market value, at any time after the second year of this lease. Lessee's option to purchase shall

**PETITIONER'S  
EXHIBIT 3e**

be exercised by a timely delivery to Lessor, at Lessor's address as set forth herein, of two (2) copies of the contract of sale executed by the Lessee as binding. Lessee's option to purchase must be exercised within 60 days prior to the end of the third year of this lease. Settlement shall be held within sixty (60) days following the date of the exercising of the purchase option. If the option to purchase is not exercised within the third year of this lease, this option shall automatically cease and terminate, neither party shall have any further rights hereunder, at law or in equity, and this option to purchase shall be null and void, all without further action or documentation by either party.

**PURCHASE PRICE:** The purchase price which the Lessee shall pay the Lessor for the property, if the option to purchase is exercised within sixty (60) days prior to the end of the second year of this lease, shall be FOUR HUNDRED NINETY SEVEN THOUSAND, ONE HUNDRED DOLLARS (\$497,100.00), less the renovation cost, not to exceed \$160,000.00.

**SETTLEMENT COSTS:** Lessee shall pay all title examination fees, attorney's fees, conveyancing fees, notary fees and all other incidental settlement costs.

**RENOVATIONS:** Because of the poor condition of the property due to a recent fire, Lessee agrees to renovate the subject property. The renovation costs will amount to ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00). If Lessee elects not to renew the lease on the property all improvements will be assigned to the County. If Lessee exercises its options to purchase, the renovation costs shall be applied to reduce the purchase price.

**TRANSFER TAXES:** Lessee shall pay the cost of all documentary stamps and transfer charges required by Law.

The foregoing Agreement is hereby agreed and entered into by the Parties, as signified by the signatures of their representatives below, this 30 day of October 1987.

WITNESS:

*Robert M. Infussi, Sr.*  
Robert M. Infussi, Sr.  
Executive Secretary

BALTIMORE COUNTY, MARYLAND:

*Dennis F. Rasmussen*  
Dennis F. Rasmussen  
Baltimore County Executive

WITNESS:

*James J. Ward*  
James J. Ward, President

WARD DEVELOPMENT COMPANY

*James J. Ward*  
James J. Ward, President

**PETITIONER'S  
EXHIBIT 3E**

APPROVED AS TO LEGAL FORM:

APPROVED: 10-27-87

Assistant County Attorney

BY: *Dennis F. Rasmussen*  
Dennis F. Rasmussen, Chief  
Bureau of Land Acquisition

APPROVED AS TO LEGAL SUFFICIENCY:

Assistant County Attorney

10/26/87:ks

**PETITIONER'S  
EXHIBIT 3c**

**PETITIONER'S  
EXHIBIT 4A**

#### CONSENT TO ASSIGNMENT OF LEASE

THIS AGREEMENT is made as of the 30<sup>th</sup> day of November, 1988, by and among Baltimore County, Maryland, a body corporate and politic of the State of Maryland (hereafter the "County"), Ward Development Company, a Maryland corporation (hereafter "WDC"), and Oliver S. Travers, Jr. and Mary J. Travers (hereafter "Travers").

#### EXPLANATORY STATEMENT

The County and WDC have entered into an Agreement dated as of October 30, 1987 (hereafter the "Agreement"), pursuant to which, among other things, WDC has leased from the County, with an option to purchase, the real property and improvements owned by the County and described as 208 York Road, Towson, Maryland (hereinafter the "Property"). A copy of the Agreement is attached hereto as Exhibit "A" and made a part hereof.

NOW THEREFORE, in consideration of the premises, the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The County for itself, its successors and assigns, hereby consents to the assignment of WDC's interest as Lessee under the terms of said Agreement to Travers.
2. Upon acceptance of such assignment, Travers shall assume all the rights and obligations of WDC under the said Agreement including the right to exercise the

Option to Purchase set forth on Page 4 of the Agreement.

3. The parties hereto confirm that the term of the Lease is from June 15, 1988 through June 14, 1990 and that all rents and obligations of WDC to the County are current as of the date of this Consent to Assignment.

IN WITNESS WHEREOF, the parties have executed this instrument under seal as of the date first written above.

WITNESS:

*Suzanne B. Maury*  
Suzanne B. Maury

WARD DEVELOPMENT COMPANY

*James J. Ward*  
James J. Ward, III, President (SEAL)

*Robert M. Infussi*  
Robert M. Infussi  
Executive Secretary

BALTIMORE COUNTY, MARYLAND

*Dennis F. Rasmussen*  
Dennis F. Rasmussen, County Executive (SEAL)

*Suzanne B. Maury*  
Suzanne B. Maury

*Oliver S. Travers, Jr.*  
Oliver S. Travers, Jr. (SEAL)

*Suzanne B. Maury*  
Suzanne B. Maury

*Mary J. Travers*  
Mary J. Travers (SEAL)

APPROVED as to legal form and sufficiency:

*Assistant County Attorney*  
Assistant County Attorney

**PETITIONER'S  
EXHIBIT 4B**



Baltimore County, Maryland

PEOPLE'S COUNSEL  
ROOM 304, COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
887-8842188

PHYLLIS COLE FRIEDMAN  
People's Counsel

PETER MAX ZIMMERMAN  
Deputy People's Counsel

October 17, 1990

The Honorable  
J. Robert Haines, Zoning Commissioner  
1st Floor, County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Baltimore County, Maryland, Petitioner  
Case No. 91-74-A

Dear Mr. Haines:

People's Counsel's Entry of Appearance was filed in the above-captioned matter on October 4, 1990. Unfortunately, due to a conflict, we will not be able to attend the hearing. Please note that this does not constitute a withdrawal of appearance.

Sincerely yours,

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

cc: Shirley M. Murphy, Chief  
Bureau of Land Acquisition

David E. Belcher, Esquire

PCF:sh

54 16 RD  
ZONING OFFICE

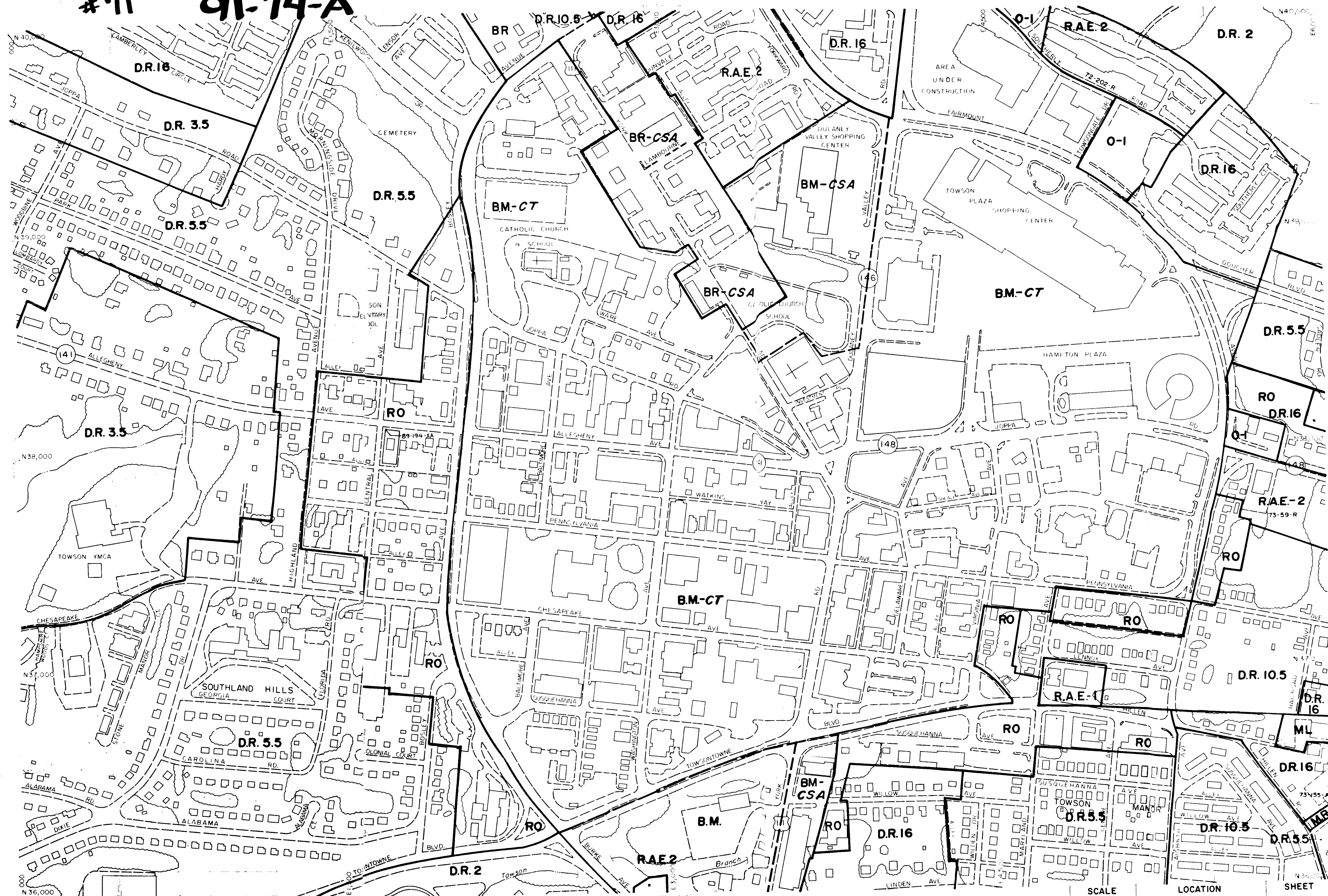






#71

91-74-A



O-NE N-NW  
S-SE R-SW

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 88

BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

TOWSON

SHEET

N.E.  
10-A